

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

1959

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, March 19, 1959.

Senate called to order by the President.

Prayer by Rev. Howard O. Hough of Portland.

On motion by Mr. Boucher of Androscoggin,

Journal of yesterday read and approved.

The PRESIDENT: At this time the Chair would like on behalf of the Senate to extend a cordial welcome to the members of the 5th grade of the Winthrop school system in Maine, accompanied by Mrs. James McCroary. We would also like to mention the fact that in the group is Gregory Foster, young son of our Senate Page Mrs. Ruth Foster and Lawrence Foster, committee clerk. We are happy to welcome all of you this morning and hope that your visit will be enjoyable and educational. (Applause.)

The Chair would also like to call attention to the fact that in the Senate Chamber this morning I am happy to mention that we have visiting us a former legislator who devoted eight consecutive terms in the House of Representatives. The Chair would ask the Sergeant-at-Arms to escort to the rostrum his fellow townsman and distinguished citizen Dwight W. Dorsey. (Applause, members rising.)

House Papers

Bill, "An Act Providing for a State Tuberculosis Annex to Community General Hospital in Fort Fairfield." (H. P. 890) (L. D. 1259)

Bill, "An Act Relating to Construction and Installation of Certain Capital Improvements at State Teachers' Colleges and Fort Kent State Normal School." (H. P. 891) (L. D. 1260)

"Resolve Providing for a Study of Maine's Economy Structure." (H. P. 892) (L. D. 1261)

Which were severally referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill, "An Act Regulating Certain Insurance Sold in Connection with Credit Transactions." (H. P. 893) (L. D. 1262)

Which was referred to the Committee on Business Legislation in concurrence.

Bill, "An Act to Clarify Procedure for Reorganization of School Administrative Units." (H. P. 894) (L. D. 1263)

Which was referred to the Committee on Education in concurrence.

Bill, "An Act Relating to Fishing and Hunting Licenses for Non-resident Students in Maine Colleges." (H. P. 895) (L. D. 1264)

Which was referred to the Committee on Inland Fisheries and Game in concurrence.

Bill, "An Act Relating to the Augusta Municipal Court." (H. P. 896) (L. D. 1265)

Bill, "An Act to Include Personal Property in Maine Industrial Building Authority Act." (H. P. 897) (L. D. 1266)

Which were referred to the Committee on Judiciary in concurrence.

Bill, "An Act Relating to Definition of Occupational Diseases." (H. P. 904) (L. D. 1273)

Which was referred to the Committee on Labor in concurrence.

Bill, "An Act Relating to Pension for Members of Police and Fire Departments of City of Waterville." (H. P. 898) (L. D. 1267)

Bill, "An Act Providing for Civil Service for the Old Orchard Beach Police Department." (H. P. 899) (L. D. 1268)

Which were referred to the Committee on Legal Affairs in concurrence.

Bill, "An Act to Create the Berwick Water and Sewerage District." (H. P. 900) (L. D. 1269)

Which was referred to the Committee on Public Utilities in concurrence.

Bill, "An Act Relating to Awarding Contracts for State Construction." (H. P. 905) (L. D. 1274)

"Resolve Proposing an Amendment to the Constitution Increasing Amount of Credit of State in Loans for Industrial Purposes." (H. P. 901) (L. D. 1270)

Which were referred to the Committee on State Government in concurrence.

Bill, "An Act Providing for Severance Taxation of Certain Natural Resources." (H. P. 902) (L. D. 1271)

Bill, "An Act Relating to Additional Revenue by Severance Taxes

on Severer of Timber or Producer of Timber Products." (H. P. 903) (L. D. 1272)

Which were referred to the Committee on Taxation in concurrence.

House Committee Reports Ought Not to Pass

The Committee on Legal Affairs on Bill, "An Act Relating to Municipal Zoning Boards of Appeal." (H. P. 444) (L. D. 650) reported that the same Ought not to pass.

In House, recommitted to the Committee on Legal Affairs.

In the Senate, the bill was recommitted in concurrence.

The same Committee on Bill, "An Act to Provide for the Observance of Legal Holidays." (H. P. 354) (L. D. 513) reported that the same Ought not to pass.

Which report was read and accepted in concurrence.

Ought to Pass

The Committee on Business Legislation on Bill, "An Act Prohibiting Signature or Countersignature by Rubber Stamp or Other Facsimile." (H. P. 630) (L. D. 922) reported that the same Ought to pass.

The same Committee on Bill, "An Act to Incorporate Sagadahoc Finance Corporation." (H. P. 632) (L. D. 924) reported that the same Ought to pass.

The same Committee on Bill, "An Act to Incorporate City Finance, Inc." (H. P. 633) (L. D. 925) reported that the same Ought to pass.

The Committee on Natural Resources on "Resolve Authorizing Forest Commissioner to Convey a Right-of-Way Across the Public Lot in Township D, Range 2, WELLS, Aroostook County, to the United States of America." (H. P. 214) (L. D. 305) reported that the same Ought to pass.

Which reports were severally read and accepted in concurrence.

Ought to Pass — as amended

The Committee on Business Legislation on Bill, "An Act Relating to Rates Under Assigned Risk Plan." (H. P. 629) (L. D. 921) reported that the same Ought to pass as amended by Committee Amendment A (Filing 78)

The Committee on State Government on Bill, "An Act Relating to Terms of Office and Compensation of the Aeronautics Commission." reported that the same Ought to pass as amended by Committee Amendment A (Filing 79)

Which reports were read and accepted in concurrence and the bills read once. Committee Amendments A were read and adopted in concurrence and the bills as so amended were tomorrow assigned for second reading.

Report A — OTP
Report B — ONTP

Five members of the Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in Long Pond, Franklin County." (H. P. 348) (L. D. 507) reported (Report A) that the same Ought to pass.

(Signed)

Representatives:

MONROE of Monroe
CARVILLE of Eustis
DUDLEY of Enfield
HARRIS of Greenville
MOORE of Casco

Five members of the same Committee on the same subject matter reported (Report B) that the resolve Ought not to pass.

(Signed)

Senators:

BRIGGS of Aroostook
CARPENTER of Somerset
HILLMAN of Penobscot

Representatives:

WHEATON of Princeton
DODGE of Guilford

Comes from the House, Report A accepted, House Amendment A (Filing 82) adopted, and resolve passed to be engrossed, as amended.

In the Senate, on motion by Mr. Briggs of Aroostook, Report B "Ought not to pass" was accepted in non-concurrence.

Sent down for concurrence.

The Majority of the Committee on State Government on "Resolve Proposing an Amendment to the Constitution to Provide for Direct Initiative for Proposed Amendments to the Constitution." (H. P. 77) (L. D. 115) reported that the same Ought not to pass.

(Signed)

Senators:

ROSS of Sagadahoc

HILLMAN of Penobscot
LESSARD of Androscoggin

Representatives:

WADE of Auburn
SANBORN of Gorham
COYNE of Waterville
SMITH of Exeter
BARNETT of Augusta
DENNETT of Kittery

The Minority of the same Committee on the same subject matter reported that the resolve Ought to pass.

(Signed)

Representative:
PLANTE of Old Orchard
Beach

Comes from the House, Majority Report accepted.

In the Senate, on motion by Mr. Hillman of Penobscot, the Majority report was accepted in concurrence.

Majority — ONTP
Minority — OTP

The Majority of the Committee on State Government on "Resolve Proposing an Amendment to the Constitution to Require a Roll Call Vote Upon all Bills on Final Passage." (H. P. 568) (L. D. 801) reported that the same Ought not to pass.

(Signed)

Senators:
ROSS of Sagadahoc
HILLMAN of Penobscot
LESSARD of Androscoggin

Representatives:
WADE of Auburn
SANBORN of Gorham
COYNE of Waterville
SMITH of Exeter
BARNETT of Augusta
DENNETT of Kittery

The Minority of the same Committee on the same subject matter reported that the resolve Ought to pass.

(Signed)

Representative:
PLANTE of Old Orchard
Beach

Comes from the House, Majority Report accepted.

In the Senate, on motion by Mr. Hillman of Penobscot, the Majority report was accepted in concurrence.

Communication

State of Maine
BUREAU OF PUBLIC
IMPROVEMENTS

To the Honorable Senate and House of Representatives of the Ninety-ninth Legislature

Gentlemen:

In accordance with the provisions of Senate Paper No. 147, dated February 3, 1959, the Bureau of Public Improvements presents the accompanying report based on a study of the present site of the State School for Boys considering its proximity to the Portland Municipal Airport.

Included with and made a part of this report is a copy of the "Study of Effect of State School for Boys on the Safety and Utility of the Portland Municipal Airport" prepared by the Maine Aeronautics Commission for the Bureau of Public Improvements.

Respectfully submitted,

(Signed)

NIRAN C. BATES, Director
(SP 430)

On motion by Mrs. Lord of Cumberland, the Communication was referred to the Committee on Public Health.

Sent down for concurrence.

Senate Committee Reports Leave to Withdraw

Mr. Stilphen from the Committee on Retirements and Pensions on "Resolve in Favor of A. D. Gray of Waldoboro for Retirement Benefits." (S. P. 339) (L. D. 915) reported that the same be granted Leave to Withdraw.

Which report was read and accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Hillman from the Committee on Agriculture on Bill, "An Act Relating to Definition of Poultry Under Weights and Measures Law." (S. P. 265) (L. D. 727) reported that the same Ought not to pass.

Mr. Noyes from the Committee on Retirements and Pensions on "Resolve Providing a Pension for Antoinette Bergeron of Lewiston." (S. P. 383) (L. D. 1109) reported that the same Ought not to pass.

Mr. Cole from the Committee on Transportation on Bill, "An Act Relating to Bumpers on Commercial Vehicles." (S. P. 396) (L. D. 1140) reported that the same Ought not to pass.

(On motion by Mr. Cole of Waldo, tabled pending acceptance of the report.)

Which reports were severally read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Carpenter from the Committee on Liquor Control on Bill, "An Act Relating to Duties of State Liquor Inspectors." (S. P. 348) (L. D. 975) reported that the same Ought to pass.

Which report was read and accepted, the bill read once and tomorrow assigned for second reading.

Ought to pass — as amended

Mr. Charles from the Committee on Legal Affairs on Bill, "An Act Relating to Superintending School Committee of Town of Freeport." (S. P. 217) (L. D. 556) reported that the same Ought to pass as amended by Committee Amendment A.

Mr. Cole from the Committee on Transportation on Bill, "An Act to Revise the Dealer Registration Law." (S. P. 342) (L. D. 918) reported that the same Ought to pass as amended by Committee Amendment A.

Which reports were read and accepted and the bills read once. Committee Amendments A were read and adopted, and the bills as so amended were tomorrow assigned for second reading.

Second Readers

The Committee on Bills in the Second Reading reported the following bills and resolves:

House

Bill, "An Act Relating to the Procedure of the City Council of South Portland." (H. P. 421) (L. D. 605)

Bill, "An Act Providing for the Construction of an Addition to Connor Elementary School in the Unorganized Territory." (H. P. 460) (L. D. 678)

Bill, "An Act Relating to Applications for Voter Registration." (S. P. 543) (L. D. 778)

Bill, "An Act Conveying Songo Lock Property to State of Maine." (H. P. 612) (L. D. 872)

Bill, "An Act Relating to Time of Filing Nomination Papers and Date of State Conventions." (H. P. 885) (L. D. 1238)

Bill, "An Act Providing for Evening Sessions of Boards of Registration." (H. P. 886) (L. D. 1239)

Bill, "An Act Relating to Optional Methods of Nominating Town Officials." (H. P. 887) (L. D. 1240)

Bill, "An Act Relating to Taking Land for Public Access Sites to Merrymeeting Bay." (H. P. 888) (L. D. 1241)

Bill, "An Act Relating to Report by Licensed Small Loan Agencies." (H. P. 889) (L. D. 1242)

"Resolve Appropriation for the Purchase of Informational Materials for Use in the Education of Retarded Children." (H. P. 132) (L. D. 190)

Which were severally read a second time and passed to be engrossed in concurrence.

House — as amended

Bill, "An Act Regulating Live Bait for Fishing." (H. P. 109) (L. D. 164)

"Resolve Regulating Fishing in Narrows Pond, Kennebec County." (H. P. 195) (L. D. 287)

"Resolve Regulating Fishing in Little Concord Pond, in the Town of Woodstock, Oxford County." (H. P. 554) (L. D. 789)

Which were severally read a second time and passed to be engrossed as amended, in concurrence.

Senate

Bill, "An Act Regulating Open Season on Deer by Zones." (S. P. 92) (L. D. 210)

Which was read a second time and passed to be engrossed.

Sent down for concurrence.

Senate — as amended

Bill, "An Act Relating to Procedure in State Construction Contracts." (S. P. 239) (L. D. 622)

Bill, "An Act Amending Laws Relating to Employment Offices." (S. P. 307) (L. D. 853)

“Resolve Authorizing the State Tax Assessor to Convey by Sale the Interest of the State in Certain Lands in the Unorganized Territory.” (S. P. 137) (L. D. 332)

Which were severally read a second time and passed to be engrossed as amended.

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed, the following bills and resolves:

Bill, “An Act Authorizing Forest Commissioner to Convey Interest of the State in Chase Island. (H. P. 250) (L. D. 361)

Bill, “An Act Relating to Free Vaccination and Inoculation.” (H. P. 313) (L. D. 460)

Bill, “An Act Relating to Disposition of Income on Unclaimed Deposits in Defunct Savings Banks.” (H. P. 344) (L. D. 504)

Bill, “An Act Prohibiting the Use of X-ray Shoe-fitting Machines.” (H. P. 360) (L. D. 519)

Bill, “An Act Changing Date of Municipal Year in Town of Fairfield.” (H. P. 401) (L. D. 585)

Bill, “An Act Authorizing Perry Improvement Association to Construct Dam Across Little River.” (H. P. 402) (L. D. 586)

Bill, “An Act Relating to Weekly Payment of State Officials With Annual Salaries.” (H. P. 408) (L. D. 592)

Bill, “An Act Relating to Retail Installment Contract Under Motor Vehicle Sales Finance Law.” (H. P. 480) (L. D. 698)

Bill, “An Act Relating to Unfair Methods of Competition and Trade Practices.” (H. P. 602) (L. D. 862)

Bill, “An Act Relating to Regulations of Insurance Commissioner Under Methods of Competition and Trade Practices Act.” (H. P. 603) (L. D. 863)

Bill, “An Act Relating to Part Payment of Delinquent Property Taxes in Unorganized Territory.” (S. P. 121) (L. D. 273)

Bill, “An Act to Incorporate the New England Corporation.” (S. P. 154) (L. D. 375)

Bill, “An Act Relating to Refunds of Sales Tax.” (S. P. 181) (L. D. 424)

Bill, “An Act Clarifying Name of Federal Law Relating to Federal Highway Funds.” (S. P. 188) (L. D. 484)

Bill, “An Act Relating to the Bank Commissioner, Advisory Commissioner, Advisory Committee and Department Regulations.” (S. P. 228) (L. D. 611)

(On motion by Mr. Lessard of Androscoggin, tabled pending passage to be enacted.)

Bill, “An Act Relating to Bank Records.” (S. P. 230) (L. D. 613)

Bill, “An Act Relating to Maturity Date of Bonds of Jay School District.” (S. P. 263) (L. D. 6766)

Bill, “An Act Clarifying the Laws Relating to Support of Dependents.” (S. P. 283) (L. D. 745)

Which bills were severally passed to be enacted.

“Resolve Authorizing Commissioner of Institutional Service to Grant Pole Line Easements on the Property of the State of Maine in Bangor.” (H. P. 446) (L. D. 652)

“Resolve Regulating Fishing in Heald Pond, Somerset County.” (S. P. 93) (L. D. 211)

“Resolve Designating Bangor-Brewer Bridge as ‘Joshua L. Chamberlain Bridge.’” (S. P. 204) (L. D. 543)

“Resolve Authorizing Arthur W. Bushey and Alice Bushey, John Tibbetts, Archie Leeman and Oscar Bradstreet, all of Palermo, to Sue the State of Maine.” (S. P. 258) (L. D. 671)

Which resolves were severally finally passed.

Emergency

Bill, “An Act Appropriating Monies for a Continuance of the Revision of the Election Laws. (H. P. 129) (L. D. 187)

Which bill, being an emergency measure, and having received the affirmative vote of 29 members of the Senate, was passed to be enacted.

Emergency

Bill, “An Act Creating the Fish Marketing Act.” (H. P. 207) (L. D. 298)

Which bill, being an emergency measure, and having received the affirmative vote of 29 members of the Senate, was passed to be enacted.

Bill, "An Act Relating to Approval of Summer Schools." (H. P. 283) (L. D. 430)

Which bill, being an emergency measure, and having received the affirmative vote of 29 members of the Senate, was passed to be enacted.

Bill, "An Act Relating to Motor Vehicle Operators' Licenses." (S. P. 184) (L. D. 427)

Which bill, being an emergency measure, and having received the affirmative vote of 30 members of the Senate, was passed to be enacted.

Orders of the Day

On motion by Mr. Stilphen of Knox, the Senate voted to take from the table the 23rd tabled and unassigned matter, (S. P. 309) (L. D. 855) Bill, "An Act to Incorporate the R. and T. Cement Railroad Company," which was tabled on March 13th by that Senator pending passage to be engrossed.

The same senator then offered Senate Amendment "A" and moved its adoption.

Senate Amendment was read and adopted and the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table (H. P. 88) (L. D. 135) House Report "Ought to pass" from the Committee on Inland Fisheries and Game on "An Act Relating to Fishing for White Perch," which was tabled on February 25th by that Senator pending acceptance of report; and on further motion by the same Senator the "Ought to pass" report of the committee was

accepted in concurrence and the bill was given its first reading. Committee Amendment "A" was read by the Secretary and adopted, and the bill was tomorrow assigned for second reading.

Mr. Cole of Waldo was granted unanimous consent to address the Senate.

Mr. COLE: Mr. President and members of the Senate: I think it is very fitting at this time that we be permitted to express our sympathy to the relatives and surviving ones of a very great friend of mine, and I know of many others who have served with him in both branches, Carleton S. Fuller. It was with great regret that I heard of his sudden death yesterday morning. Having served in both branches with Carleton, I feel that it is a great loss to the people of the State of Maine that Carleton has departed from us. I am sure that all of you who have served with him will agree with me that he was one of the finest public servants of this State, and it is with great regret that I heard of his passing. Thank you.

The PRESIDENT: On behalf of the Senate, the Chair thanks Senator Cole for his very timely remarks. I am sure that all of us who had the pleasure of knowing the late Hon. Carleton S. Fuller certainly agree with everything that has been said. He certainly was an outstanding public servant and a very fine gentleman in every respect.

On motion of Mr. Briggs of Aroostook,

Adjourned until one o'clock tomorrow afternoon.